IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 9TH AUGUST 2006 / 18TH SRAVANA 1928

Bail Appl..No. 4776 of 2006

CRIME NO.297/CR/S.III/03 OF CBCID, KOZHIKODE

PETITIONERS/ACCUSED:

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1. K. UMMER, S/O. MUHAMMEDKUTTY HAJI,
   KALATHINGAL VEEDU, VERUMPILAKKAL,
   MANKADA, MALAPPURAM DISTRICT.

2. K. SAIDALIKUTTY, S/O.MUHAMMEDKUTTY HAJI,
   KALATHINGAL VEEDU, VERUMPILAKKAL, MANKADA,
   MALAPPURAM DISTRICT.

3. K. MOIDEENKUTTY, S/O. ABU,
   KANNATTIL HOUSE, VADAKKANGARA AMSOM,
   MAKKARAPARAMBU DESOM, MALAPPURAM DISTRICT.

4. P.K. ABDUL RASHEED,
   S/O. MUHAMMED, PATTARAKADAVN HOUSE,
   KURUVA AMSOM DESOM, MAKKARAPARAMBU,
   MALAPPURAM DISTRICT.

5. K. YOUNUS, S/O. MUHAMMEDKUTTY HAJI,
   KALATHINGAL VEEDU, VERUMPILAKKAL,
   MANKADA, MALAPPURAM DISTRICT.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM, KOCHI.

2. THE DETECTIVE INSPECTOR,
   CBCID, SIG III, KOZHIKODE.

3. CBCID REPRESENTED BY THE
   DY.SUPDT.OF POLICE, TRIVANDRUM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/08/2006, ALONG WITH BA NO. 4792 OF 2006 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 4776/06 & 4792/06

DATED THIS THE 9TH DAY OF AUGUST, 2006

O R D E R

Both the bail applications are preferred by the petitioners under Section 438 Cr.P.C., as they apprehend arrest in crime No. 297/CR/S.III/03 of CBCID, Kozhikode. The petitioners in B.A. No.4776/2006 are accused 3 to 6 and 8. The applicants in B.A.No.4792/2006 are accused 10 and 11.

2. The allegation against the petitioners are that the rubber sheets belonging to accused 3, 5, 6 and 9 were procured from Kottayam and Erumely, by accused 4, 7, 8 and 10, on 28.2.2002. The rubber sheets were loaded in the lorries, belonging to accused 9, 12 and 17. They were driven and helped by accused 13, 14, 15 and 16. The lorries were escorted by accused 10 as well as others, from Manjeri to Bangalore. At the entry tax point, the Vigilance of Commercial Taxes suspected the documents, produced for scrutiny. On verification, it was found that

all the documents, including the procurement of rubber sheets, the payment of taxes, the invoices, the details of the consignees etc., were fully fabricated and forged. Therefore, the matter was reported to Vigilance Department of Commercial Taxes, Thiruvananthapuram. The Joint Commissioner registered the First Information Report and investigated the crime. It was revealed that accused No.11 prepared all the documents, which were forged and produced before the entry point at Bangalore, with the help of accused Nos.1, 2 and 18. On investigation, the involvement of all the accused, including the petitioner herein, had been brought out. The report had been filed on 23.5.2006, arraying eighteen accused including the petitioners herein.

3. Without entering into any discussion on the merit of the matter and considering that the interrogation of the petitioners as well as other accused is necessary, I direct the petitioners to surrender before the Investigating Officer of CBCID, Kozhikode, on 16.8.2006 between 10.00 a.m and 11.00 a.m. The

Investigating Officer shall interrogate the petitioners as per the law and thereafter, produce them before the Judicial Magistrate of First Class-I, Perinthalmanna.

4. The learned Magistrate, on production of the petitioners, shall consider the bail applications, if any, filed by the petitioners as well as the application for the custody of the petitioners, if filed by the Investigating Officer, on merit, and pass orders, as per the law. If the application(s) for bail is preferred by the petitioners after serving copies of the same to the APP of that Court, and if an application is filed by the Investigating Officer before the Court below, for custodial interrogation of the petitioners as well, the learned Magistrate shall pass orders on the same day of the production of the accused, before it.

Both the applications are disposed of as above.

J.M.JAMES
JUDGE

mrcs